

STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

In the Matter of	)	
Application for Certification of the	)	
San Francisco Electric Reliability Project	)	Docket No. 04-AFC-1
(SFERP)	)	
_____	)	

**APPLICANT'S OBJECTIONS TO THE SECOND SET OF DATA  
REQUESTS FROM CALIFORNIANS FOR RENEWABLE ENERGY, INC.  
(CARE)**

September 7, 2004

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FROM CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE)

Pursuant to Rule 1716 of the California Energy Commission’s (CEC) Rules of Practice and Procedure, the City of San Francisco (“City” or “Applicant”) submits the following objections in response to the second set of data requests submitted by the Californians for Renewable Energy, Inc (CARE) regarding the San Francisco Electric Reliability Project (SFERP). The data requests are numbered 2.1 through 2.2. The requests—dated Saturday, August 28<sup>th</sup>—were sent on that date via email at 5:18 PM; and were thus formally received by the City on the first business day thereafter, August 30.

The requests were also submitted pursuant to the California Public Records Act. To the extent the Act requires the provision of documents that are irrelevant or otherwise not subject to production in this proceeding, the City will comply with the requirements of the Act outside of the context of the CEC proceeding.

The City notes up-front that the introduction to the data requests by CARE includes CARE’s view of the contexts and arguments for its requests. The City disagrees with much of that discussion and notes that it is extraneous to the record before the CEC.

**Definitions and Instructions**

The City objects generally to all aspects of the definitions and instructions that are inconsistent with the requirements of the CEC’s Rules of Practice and Procedure. The City objects in particular to the definitions and instructions to the extent they go beyond those set forth in applicable regulations and are unduly burdensome. A few examples include (but are not limited to): the definition of communications to include all verbal and written communications; the definition of documents, which does not provide for legitimate exemptions such as privileged documents; the definition of identification, which includes requirements that are both overly burdensome and beyond the requirements of the law; the instruction that the requests are continuing in nature notwithstanding the limited time frame for discovery in CEC proceedings, etc.

**Specific requests:**

**Request 2.1.** The City objects to the request as argumentative and misleading, irrelevant to the SFERP, unclear, redundant, and overly broad and burdensome, particularly in light of the definitions and instructions. This request is nearly identical to CARE'S data request 1.5. Further, CARE submitted a nearly identical request to the City under the California Public Records Act on May 6, 2004, and received a response by the City on May 12, 2004. Notwithstanding and without waiving this objection, the City is sending out today a response addressing both Data Request 1.5 (CARE, Set 1) and this request.

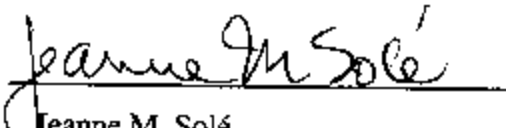
**Request 2.2.** The City objects to the request as argumentative and misleading, irrelevant to the SFERP, unclear, redundant, and overly broad and burdensome, particularly in light of the definitions and instructions. This request is nearly identical to CARE'S data request 1.6. Further, CARE submitted a nearly identical request to the City under the California Public Records Act on May 6, 2004, and received a response by the City on May 12, 2004. Notwithstanding and without waiving this objection, the City is sending out today a response to Data Request 1.6 (CARE, Set 1) and this request.

Respectfully submitted,

DENNIS J. HERRERA  
CITY ATTORNEY  
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Energy Resources Conservation  
and Development Commission

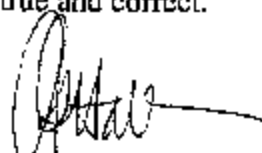
Application for Certification for the )  
SAN FRANCISCO ELECTRIC RELIABILITY )  
PROJECT (SFERP) )  
\_\_\_\_\_ )

Docket No. 04-AFC-1

**PROOF OF SERVICE**

I, Arlene Hall, declare that on September 7, 2004, I deposited copies of the attached  
APPLICANT'S OBJECTIONS IN RESPONSE TO THE SECOND SET OF DATA  
REQUESTS FROM CALIFORNIANS FOR RENEWABLE ENERGY, INC. (CARE) in  
the United States mail in San Francisco, California, with first-class postage thereon fully prepaid  
and addressed to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Arlene Hall

**SERVICE LIST**  
**04-AFC-1**

**CALIFORNIA ENERGY**  
**COMMISSION Attn: Docket No. 01-**  
**AFC-17 DOCKET UNIT, MS-4 1516**  
**Ninth Street Sacramento, CA 95814-5512**

In addition to the documents sent to the  
Commission Docket Unit, also send  
individual copies of all documents to:

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